
SENATE RESOLUTION

URGING RESTAURANTS TO DONATE ANY LEFTOVER FOOD TO HOMELESS
SHELTERS AT THE END OF THEIR BUSINESS DAY AND URGING THE
DEPARTMENT OF HEALTH TO DEVELOP AND DISSEMINATE TEMPERATURE
CONTROLLED FOR SAFETY FOOD DONATION GUIDELINES.

1 WHEREAS, according to the Green Restaurant Association, a
2 single restaurant in the United States wastes about fifty
3 thousand pounds of food a year; and
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5 WHEREAS, many restaurants are unwilling to donate leftover
6 food at the end of the business day to homeless shelters out of
7 fear of being held liable for any health problems that result
8 from their donation; and
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10 WHEREAS, food donations made by restaurants are already
11 protected from liability under the Bill Emerson Good Samaritan
12 Food Donation Act of 1996; and
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14 WHEREAS, under section 145D-2, Hawaii Revised Statutes, any
15 donor of food products, who donates in good faith for
16 distribution or use by a charitable, religious, or nonprofit
17 organization to needy persons is generally protected from
18 liability; and
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20 WHEREAS, food waste is a serious problem because when food
21 is left in landfills it produces a large amount of methane,
22 negatively impacting the environment; and
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24 WHEREAS, many of Hawai'i's food drives need food donations
25 to feed the needy; and
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27 WHEREAS, since certain food safety standard operating
28 procedures must be followed for temperature controlled for
29 safety foods, guidelines on proper standard operating procedures
30 for food donation would keep food establishments in compliance,
31 which will help encourage food donation; now, therefore,
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1 BE IT RESOLVED by the Senate of the Thirtieth Legislature
2 of the State of Hawaii, Regular Session of 2019, that
3 restaurants are encouraged to donate any leftover food to
4 homeless shelters at the end of their business day; and
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6 BE IT FURTHER RESOLVED that the Department of Health is
7 requested to develop guidelines for food establishments on how
8 to safely donate temperature controlled for safety foods and
9 disseminate those guidelines to the Hawaii Restaurant
10 Association and appropriate permit holders; and
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12 BE IT FURTHER RESOLVED that the Department of Health is
13 requested to release a public service announcement that
14 clarifies that restaurants are protected under the Bill Emerson
15 Good Samaritan Food Donation Act of 1996 and applicable state
16 law; and
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18 BE IT FURTHER RESOLVED that the Department of Health is
19 requested to submit a report on its progress and
20 recommendations, including any proposed legislation, to the
21 Legislature no later than twenty days prior to the convening of
22 the Regular Session of 2020; and
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24 BE IT FURTHER RESOLVED that certified copies of this
25 Resolution be transmitted to the Director of Health and
26 Executive Director of the Hawaii Restaurant Association.

